

¶25.5 ADJOURNMENT

On motion of Mr. BROWDER, pursuant to the special order agreed to on March 7, 1996, at 10 o'clock and 14 minutes a.m., the House adjourned until 12:30 p.m. on Tuesday, March 12, 1996.

¶25.6 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports on committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2969. A bill to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897 (Rept. No. 104-467, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. H.R. 2202. A bill to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes; with amendments (Rept. No. 104-469, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee of Conference. Conference report on H.R. 1561. A bill to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes (Rept. No. 104-478). Ordered to be printed.

¶25.7 DISCHARGE OF COMMITTEES

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2202. The Committees on Banking and Financial Services, Economic and Educational Opportunities National Security, and Ways and Means, discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

¶25.8 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMAS (for himself and Mr. FAZIO of California):

H.R. 3058. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the period for receipt of absentee ballots, and for other purposes; to the Committee on House Oversight.

By Mr. DURBIN:

H.R. 3059. A bill to direct the Secretary of Health and Human Services to prepare and publish annually a consumer guide to prescription drug prices; to the Committee on Commerce.

¶25.9 MEMORIALS

Under clause 4 of rule XXII,

204. The SPEAKER presented a memorial of the House of Representatives of the State of Georgia, relative to urging the Congress of the United States to reject the proposal to

sell facilities used to generate electric power marketed by the Southeastern Power Administration; to the Committee on Resources.

¶25.10 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H. Con. Res. 127: Mr. METCALF, Mr. LIPINSKI, Mr. RUSH, and Mrs. MEYERS of Kansas.

H. Con. Res. 144: Mr. RICHARDSON, Mr. SISKY, and Mr. TEJEDA.

TUESDAY, MARCH 12, 1996 (26)

¶26.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. KOLBE, who laid before the House the following communication:

WASHINGTON, DC,
March 12, 1996.

I hereby designate the Honorable JIM KOLBE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of Friday, May 12, 1995, Members were recognized for "morning hour" debates.

¶26.2 RECESS—1:01 P.M.

The SPEAKER pro tempore, Mr. KOLBE, pursuant to clause 12 of rule I, declared the House in recess until 2 p.m.

¶26.3 AFTER RECESS—2:00 P.M.

The SPEAKER called the House to order.

¶26.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, March 8, 1996.

Pursuant to clause 1, rule I, the Journal was approved.

¶26.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

2224. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year, if any, and the budget year provided by H.R. 1868, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on the Budget.

2225. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's report entitled "Annual Report to Congress—Progress on Superfund Implementation in Fiscal Year 1995," pursuant to 45 U.S.C. 9651; to the Committee on Commerce.

2226. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the design and development subphase two of the NATO Improved Link Eleven [NILE] project (Transmittal No. 06-96), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2227. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning a cooperative project with Norway for development of a composite

hull structural monitoring system (Transmittal No. 05-96), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2228. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2229. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Program Review of the Economic Development Finance Corporation For Fiscal Year 1994," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

2230. A letter from the Assistant Secretary for Human Resources and Administration, Department of Energy, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2231. A letter from the Director, Office of Personnel Management, transmitting notification that it is in the public interest to use procedures other than full and open competition to award a particular OMP contract, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform and Oversight.

2232. A letter from the Vice President and General Counsel, Overseas Private Investment Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2233. A letter from the Secretary of Transportation, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2234. A letter from the Director, Selective Service System, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2235. A letter from the Administrator, Small Business Administration, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2236. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2237. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2238. A letter from the President, Boy Scouts of America, transmitting the Boy Scouts of America 1995 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

2239. A letter from the Comptroller General of the United States, transmitting a report entitled, "Financial Audit: Federal Family Education Loan Program's Financial Statements for Fiscal Years 1994 and 1993" (GAO/AIMD-96-22), pursuant to Public Law 101-576, section 305 (104 Stat. 2853); jointly, to the Committees on Government Reform and Oversight and Economic and Educational Opportunities.

¶26.6 CORRECTIONS CALENDAR

Pursuant to clause 4, rule XIII,

The SPEAKER pro tempore, Mr. CAMP, directed the Corrections Calendar to be called.

When,

¶26.7 MEDICARE AND MEDICAID
COVERAGE DATE BANK REPEAL

The Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 2685) to repeal the Medicare and Medicaid Coverage Date Bank.

When said bill was considered and read twice.

The SPEAKER pro tempore, Mr. CAMP, pursuant to clause 4 of rule XIII, recognized Mr. THOMAS and Mr. STARK, each for 30 minutes.

During debate,

¶26.8 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

"QMB's, who are qualified Medicare-Medicaid beneficiaries, are seniors. We are dealing with legislation that deals with people who are employed by employers to collect data for purposes of determining primary and secondary payers, and I believe the gentleman's statements are not germane."

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

"The gentleman from California [Mr. STARK] must confine his remarks to the subject of the bill."

After some further time,

¶26.9 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

"Mr. Speaker, is the question propounded by the gentleman from Texas [Mr. DOGGETT] germane to this legislation and therefore a question that should be answered?"

Mr. DOGGETT was recognized to speak to the point of order and said:

"Mr. Speaker, surely it is permissible in the course of one of these debates, and I can understand the gentleman's [Mr. THOMAS] desire not to get into this destruction to the health care of our seniors across the country by raising this issue, but surely it is appropriate under the rules of the House to make an inquiry of someone who is opposed to this legislation as to what the legislation affects. That is all I have asked, is whether or not the seniors in American are going to be affected by changing this data bank to seniors who would lose out if there are no standards to protect them in nursing homes."

Mr. THOMAS was recognized to speak to the point of order and said:

"The gentleman from Texas [Mr. DOGGETT] is at a disadvantage. He arrived on the floor not hearing the gentleman from California's [Mr. STARK] opening statement, in which he said he was not opposed to this legislation. There is no opposition to this legislation. ...

"The purpose of this debate under the rules is to discuss the matter in front of us, and all this gentleman from

California is trying to do is to maintain decorum and order in the House and request that the Speaker enforce the Rules of the House so that we may have an orderly debate and not traverse the countryside in any and all directions by any individual who may have an honest and earnest attempt to discuss this issue or may be motivated by other reasons."

The SPEAKER pro tempore, Mr. CAMP, overruled the point of order, and said:

"The gentleman has made his point of order. The Chair is prepared to rule.

"The question is relevant to the extent of coverage of the data bank under this bill, and the gentleman from Texas [Mr. DOGGETT] may inquire in order."

After some further time,

¶26.10 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

"Mr. Speaker, the items that the gentleman [Mr. PALLONE] is ticking off on his finger have no relationship to the information to be collected in this data bank, or any other data bank."

Mr. PALLONE was recognized to speak to the point of order and said:

"Mr. Speaker, I am concerned that that in fact is not the case. The fact of the matter is when you talk about the data bank, which I understand for this specific purpose is linked to how many employees receive private health insurance as opposed to Medicare and what the impact of that is going to be, we have the same thing now with the proposal by Senator Kassenbaum and Senator Kennedy and the gentlewoman from New Jersey [Mrs. ROUKEMA], where we are trying to get passed on the House floor health care insurance reform that will eliminate preexisting conditions and that will allow for portability. The Republican leadership, from what I can see, will not allow it to come to the floor."

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

"The Chair will again rule that the gentleman from New Jersey's [Mr. PALLONE] remarks be confined to the bill at hand."

After some further time,

¶26.11 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

"Mr. Speaker, I rise to this point of order with the understanding that apparently Members are no longer held to the rule of germaneness. The correct dialogue is nowhere near the intersection of nexus with the legislation, in this gentleman's opinion. I would ask a ruling of the Chair."

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

"The Chair would remind the Members that on November 14th, 1995, the Chair sustained a similar point of order where a Member was unable to maintain a constant connection or nexus between the subject of the bill and his re-

marks on health care generally. The Chair would ask the Members to proceed with that in mind."

After some further time,

¶26.12 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

"Mr. Speaker, this gentleman is constrained once again to request that the Speaker, in this gentleman's opinion, understand that the simple mention of a data bank does not make the discussion germane to this bill in front of us, to the extent that it would allow the gentleman from California [Mr. STARK], who quite rightly is pushing the envelope as he is trying to do, to discuss the sales of Medigap policies and potential unscrupulous salesmen who might sell these products."

Mr. STARK was recognized to speak to the point of order and said:

"Mr. Speaker, I certainly (like to respond to the point of order), only to suggest to the Chair that in whichever way the Chair sees fit to rule, the Chair certainly understands the issues and has been extremely fair, and I would have no quarrel with him in any event."

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

"The notion of data banks generally and the notion of data banks as contained in the bill are not necessarily the same issue. Again, the Chair would ask the gentleman from California [Mr. STARK] to confine his remarks to the legislation at hand."

After some further time,

¶26.13 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

"Mr. Speaker, the Speaker knows well my point of order. It is the subject matter and the content of the bill and the question propounded by the gentleman from Texas [Mr. DOGGETT], which has no relevance or germaneness, as we say in our rules, to the subject matter before us."

Mr. STARK was recognized to speak to the point of order and said:

"Mr. Speaker, inoculation is germane to this because many of these employers kept records or were to keep records of who was paying for the inoculations in the Republican Medicare plan, so many people will be denied inoculations. It is, in fact, very important that we point out that the inoculations they are talking about are not the same inoculations that little children are not going to get when the Medicaid cuts come down from the Republicans."

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

"In response to the point of order, the Chair cannot respond to the rhetorical nature of the question stated by the gentleman from Texas [Mr. DOGGETT] by necessarily ruling it irrelevant."

After some further time,